

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10288-RWZ
)	
JOSEPH ALLEN)	
)	
)	

GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION TO MODIFY CONDITIONS OF RELEASE

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, and hereby moves this Honorable Court to deny the defendant's Motion to Modify Conditions of Release.

In support of the government's position, the United States avers the following: The defendant has a long history of violent, ant-social behavior and unprovoked attacks on individuals. The granting of the defendant's Motion to Modify Conditions of Release, which would provide him the opportunity to return to Gloucester, could imperil the safety of the community, particularly the individuals who testified against the defendant at his recent trial. The undersigned attorney for the government previously alerted this Honorable Court that, while incarcerated awaiting trial, the defendant was recorded during a telephone conversation making threats about an unnamed individual. As this Court may recall, the defendant was recorded stating, words to the effect, that if beat the charges, he would return to a

specified bar in Gloucester and attack an unnamed, but apparently specific, individual.

The government respectfully submits that the defendant is a threat to the community and the witnesses who testified against him at trial. As the Court is aware, the defendant has a long history of violating conditions of probation and he violated the terms and conditions of his pre-trial release set by this Court.

Conclusion

For the reasons stated above, the United States asks this Honorable Court to deny the defendant's Motion to Modify Conditions of Release.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ David G. Tobin

DAVID G. TOBIN
Assistant U.S. Attorney